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C O N F I D E N T I A L SECTION 01 OF 03 SINGAPORE 000068

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DEPARTMENT FOR EAP/MTS - M. COPPOLA  
NEW DELHI FOR J. EHRENDREICH

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SUBJECT: SINGAPORE CRACKS OPEN DOOR TO POLITICAL FILMS,  
ONLINE ELECTIONEERING

REF: 08 SINGAPORE 1289

Classified By: Charg d'Affaires Daniel Shields, Reason 1.4(d)

Summary

1. (C) Singapore signaled on January 9 that it will begin a phased liberalization of political content in new media, while reserving the power to ban material it deems inappropriate. Singaporeans will be able to see independent political films, but only if a government-appointed panel certifies that the films are not misleading or sensational. Political parties and individuals will be able to use previously disallowed Internet techniques like podcasts in election campaigns, but they must register their websites with the government. The GOS will also clarify online intermediaries' liability for defamatory content posted by others, encourage its agencies to engage the public on the Internet, and retain a "symbolic" ban on 100 websites deemed harmful to minors. Embassy contacts in the filmmaking and blogging communities told us they are disappointed by reforms they characterize as cosmetic measures granting little additional freedom and leaving the tools of censorship in GOS hands.

Political Films Remain Criminal Unless Blessed by Panel

2. (U) The GOS responded to recommendations by the Advisory Council on the Impact of New Media on Society (AIMS) on January 9 (see reftel for discussion of the December 2008 AIMS report). Of the 26 AIMS recommendations, the GOS accepted 17 and rejected nine. Most of the rejections came in the area of political films and online political content, where the GOS rebuffed five of 11 AIMS proposals.

3. (U) Although the GOS agreed to the broad goal of liberalizing the Films Act in phases, it declined to decriminalize political films entirely. As noted reftel, the Films Act presently criminalizes making or distributing any film "directed toward any political end in Singapore." The GOS will consider repealing Section 33 - the section imposing criminal penalties for political films - only after evaluating the effects of more incremental changes, it stated.

4. (U) The GOS announced it will loosen restrictions on political films in two ways. First, it will disallow only "dramatized, sensationalistic, and emotive" films that would "do harm to rational and objective political debate," while allowing "factual" and "objective" films that "do not dramatize and/or present a distorted picture." Second, it will set up an "independent advisory panel" to determine whether a film is a political film and, if so, whether it should be allowed under the amended Films Act. The panel will advise the Board of Film Censors (BFC), which will

actually classify the film, as it does under current law. The GOS did not indicate whether the panel's recommendation will be binding on the BFC. The panel will comprise "citizens of high standing" who are "non-partisan." The GOS has identified only one member so far: Richard Magnus, a retired judge and chairman of Singapore's Casino Regulatory Authority, will also chair the advisory panel.

#### Government Retains Power to Ban "Harmful" Films

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15. (U) The GOS accepted a recommendation to retain Section 35 of the Films Act, which empowers the Minister for Information, Communications and the Arts to ban any film he believes is "contrary to the public interest." AIMS and the GOS appear to agree that Section 35 is needed to deal with "harmful videos" that could incite racial or religious acrimony. AIMS had suggested, however, that the Minister be required to explain his reasons for banning a film under Section 35, and that the advisory panel for political films also advise on the application of Section 35. The GOS rejected both suggestions. Although the GOS stated that "the decision to prohibit a film has to be exercised judiciously," it proposed no alternative reform to ensure that result.

#### Free Speech Advocates Unimpressed

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16. (C) Local filmmakers and bloggers derided the proposed amendments as all show and no substance. Documentary filmmaker Ho Choon Hiong told Poloff he doubted the independence of the "independent advisory panel" because the

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GOS will choose its members and the chairman is well connected to the ruling People's Action Party (PAP). Another filmmaker, Martyn See, blogged that the new proposals fall short of the freedoms that existed in 1998, when the GOS first banned all political films. Gerald Giam, a senior writer for political blog The Online Citizen, said the proposed standards for permissible political films are too vague to guide either filmmakers or the advisory panel. All three contacts said that amending Section 33 to allow some political films may mean little when the GOS can use Section 35 to ban a film as "against the public interest" without explaining its reasons. Ho called Section 35 the GOS's "trump card" in case of "freak verdicts" by the advisory panel. A political filmmaker can still make his or her film available on the Internet, Ho added, but given that the GOS has refused to decriminalize political films across the board, "if they really want to get you, they will."

#### Internet Electioneering Allowed - Registration Required

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17. (C) The GOS committed to allowing expanded political advertising on the Internet, subject to an existing registration requirement. Political parties and election candidates will be able to use blogs, podcasts, and vodcasts to promote themselves and their platforms. Ordinary individuals will also be able to electioneer by posting election-related material online, though the GOS stated that it will devise unspecified "safeguards" to allow Singaporeans "to participate freely and responsibly in Internet election advertising." Political blogger Gerald Giam cautiously welcomed these proposals, noting that "the onus is now on political parties to make full use of the increased space." Giam told Poloff that the new opening is more likely to benefit the PAP than any opposition party, simply because the PAP has more resources to exploit it. The GOS rejected an AIMS proposal to stop requiring parties and individuals who post political discussion online to register their websites with the Media Development Authority. The GOS argued that the requirement ensures accountability for website operators without restricting public debate.

18. (U) The GOS announced several other Internet initiatives in response to the AIMS report. First, the government will clarify the law governing the liability of "online intermediaries," such as administrators of user-editable web sites, for defamatory content posted by others. The GOS indicated it will balance two interests: preventing the uncontrolled publication of defamatory material online, and "encouraging the growth of online communications in order to establish Singapore as a credible and trusted Internet hub." The GOS also stressed that it does not intend to "undermine" its existing defamation law. Second, the GOS will increase its "e-engagement" with the public by encouraging its agencies to experiment with Internet tools like blogs, podcasts, YouTube, and Facebook. It will also respond selectively to citizen feedback received through REACH, its official Internet portal, and to online letters in the local mainstream media. Finally, the GOS stated it will retain its long-standing "symbolic" ban on 100 websites deemed potentially harmful to minors, at least until it devises a comprehensive new policy to protect minors online.

Comment  
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19. (C) The announced changes are a small step toward greater freedom of expression in Singapore, but they also reflect the GOS's impulse to control. The GOS accepted only those AIMS recommendations that tracked the Prime Minister's August 2008 National Day speech, rejecting ideas that ventured beyond the PM's outline (such as a blanket decriminalization of political films). The proposals either defer a final policy decision or leave the GOS with the last word in any dispute. If you wish to make a political film, you may, but an appointed panel must approve it, and even then the GOS may still ban it without telling you why. The advisory panel may or may not prove to be a liberalizing force; it remains to be seen how it will decide whether a film is "objective" or "sensationalistic." If you wish to post political advertising on your website, you may, but be careful: you are registered with the Media Development Authority. The most substantive proposal - allowing more political advertising on the Internet - may represent a genuine chance for opposition parties to attract a wider audience. But even

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in cyberspace, as Gerald Giam pointed out, the PAP stands to benefit most from the new rules, thanks to the disproportionate resources at its disposal.

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